

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
09/03/2001

08/29/2001

CLERK OF THE COURT
FORM D000C

HONORABLE MAURICE PORTLEY

C. Danos
Deputy

DR 1998-004521

FILED: _____

HEIDI BLAHA

HEIDI BLAHA
325 W KRISTAL WAY
PHOENIX AZ 85027-0000

AND

DONALD BLAHA

DONALD BLAHA
721 N POPLAR ST
GILBERT AZ 85233-0000

SUPPORT SERVICES-CCC

MINUTE ENTRY

This matter came before the Court to resolve two issues. First, could Ms. Blaha take the children to live with her and her fiancée in Esterville, Iowa? Second, should the Court adjust the child support finding of Expedited Services that raises child support from \$292.00, with \$50.00 on arrearages to \$636.30?

Ms. Blaha was not represented at the hearing. Mr. Blaha was represented; after being served with the petition for relocation, which was filed on June 1, 2001, less than 72 hours before the hearing that was scheduled on June 8, 2001, for August 23, 2001. There was no indication that the process servers could not find him or that he was unavailable. The evidence was to the contrary.

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Ms. Blaha testifies why she believed that the move would be good for the children - they would be with her in a small farming community, in a better educational environment and she could have more quality time since she could stay home and be a homemaker. She also testified that a viable plan for parenting time with Mr. Blaha could be established during the summer and school breaks. She thought it would be beneficial since Mr. Blaha has/had a drinking problem that has resulted in numerous DUI's, the loss of his license for a period of time and prison time, which prevented him from paying child support. She also indicated that Mr. Blaha missed a recent mid-week visit and sent a letter seeking to restructure his parenting time.

Mr. Blaha testified that the move would not be in the children's best interest. After admitting that he was trying to restructure visits so he could have more time with the children, that he had been in prison for an aggravated DUI and that he was in arrears on child support as a result, he testified that the move would remove the children from him and their paternal relatives. He could not see the children as much as he does. His parents and other paternal relatives could not visit with the children in Iowa. The children know no one in Iowa, have not met Ms. Blaha's fiancée's family and would be isolated. He further testifies that he has paid three out of four months of child support arrearages he did not pay because he was imprisoned.

Finally, the Court learned that Ms. Blaha has not worked since 1991, has moved within Maricopa County three times since the decree, and that her parents live in Lake Havasu, Arizona.

Based on the evidence, the conduct of the parties and
A.R.S. § 25-408,

THE COURT FINDS that Ms. Blaha has not demonstrated that moving the children to Esterville, Iowa, would be more

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beneficial for their growth and development, or in the children's best interest. Accordingly,

IT IS ORDERED that Ms. Blaha's request to move the children to Iowa is denied.

The Court has also considered Mr. Blaha's request on child support.

He indicated that Ms. Blaha has no child care expenses at this time. He further testified that he should be given credit for 180 days of visitation with his children. He also testified that though he is on probation, he still is a paint foreman and has worked consistently.

The Court has considered the information, as well as the analysis by Dee Shultz, Family Support Center, Expedited Services and A.R.S. § 25-500 et al.

The Court, however, made adjustments based on the testimony. Mr. Blaha's salary and medical insurance remained the same. He, however, only received credit for 124 days of visitation because he missed visits while in prison and the most recent weekday visit.

Ms. Blaha did not have her old salary attributed to her since she hasn't worked since 1991. Instead, a minimum wage salary was attributed, with no child care. Although she indicated that she would have to go back to work and would have child care expenses, it is premature to know whether she could acquire a job as a cake decorator at the same rate before 1991. Additionally, since Rachel is school age and should be attending school, the Court cannot guess what the child care costs would be if Ms. Blaha returned to work. A copy of the worksheet is appended hereto.

FILED: Child Support Worksheet Form [Court].

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Based on the totality of the information and considering
the best interests of the children,

It is ORDERED as follows:

The Expedited Services Report, Recommendation and Order is
affirmed in all matters except that Mr. Blaha shall pay child
support in the sum of \$451.15 per month for the support of his
children. Accordingly, the total child support to be paid
effective June 1, 2001, with the \$50.00 arrearages amount is
\$501.15, until further order of the Court.